

KITCHEN WINNERS NY INC., ET AL. vs ROCK FINTEK, LLC., ET AL.
Hershey Weiner on 11/16/2023

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 KITCHEN WINNERS NY INC.,) Case No.
4) 22-cv-05276
4 Plaintiff,) (PAE)
5 vs.)
5 ROCK FINTEK, LLC,)
6 Defendant.)
-----)
7 ROCK FINTEK, LLC,)
8 Counterclaim and)
8 Third-Party Plaintiff,)
9 vs.)
10 KITCHEN WINNERS NY INC.,)
11 Counterclaim Defendant,)
11 and)
12)
12 ADORAMA INC., HERSEY)
13 WEINER, JOSEPH Mendlowits,)
13 JNS CAPITAL HOLDINGS LLC and)
14 JOEL STERN,)
15 Third-Party Defendants.)
-----)
16

17 VOLUME 2
18 VIDEOCONFERENCE DEPOSITION OF
19 HERSEY WEINER
20 New York, New York
21 Thursday, November 16, 2023
22
23

24 Reported by:
24 TAMI H. TAKAHASHI, RPR, CSR
25 JOB NO. 30129

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1 November 16, 2023

2 9:11 a.m.

3

4 Volume 2 Videoconference Deposition
5 of HERSEY WEINER, held via Zoom remote
6 videoconferencing software, pursuant to
7 Notice, before TAMI H. TAKAHASHI, a
8 Registered Professional Reporter and Notary
9 Public of the State of New York.

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1 A P P E A R A N C E S:

2 (All parties appearing remotely)

3

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24

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1 A P P E A R A N C E S:

2 (All parties appearing remotely)

3

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12

13

14 ALSO PRESENT:

15 BRADLEY GILLING

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1	----- I N D E X -----	
2	WITNESS	EXAMINATION BY
3	HERSHEY WEINER	MR. RAKHUNOV
4		8
5	----- INFORMATION REQUESTS -----	
6	DIRECTIONS: (None)	
7	RULINGS: (None)	
8	TO BE FURNISHED: (None)	
9	REQUESTS: 69	
10	MOTIONS: (None)	
11	----- EXHIBITS -----	
12	DEFENDANT'S	FOR ID.
13	Exhibit 15	Affidavit of Anna Roxana Grinvald
14		18
15	Exhibit 16	Email dated September 25, 2021, from Anna Grinvald to Bradley Gilling, et al.
16		21
17		
18	Exhibit 17	UL Test Report
19	Exhibit 18	Email dated Jun 1, 2021, from Joseph Mendlowits to Joseph Weiner
20		25
21		
22	Exhibit 19	Email dated Apr 27, 2021, from Mendel Banon to Luis Navarro, et al.
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6		Kato, et al.
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1 IT IS HEREBY STIPULATED AND AGREED
2 by and between the attorneys for the
3 respective parties herein, that filing
4 and sealing be and the same are hereby
5 waived.

6 IT IS FURTHER STIPULATED AND AGREED
7 that all objections, except as to the
8 form of the question, shall be reserved
9 to the time of the trial.

10 IT IS FURTHER STIPULATED AND AGREED
11 that the within deposition may be signed
12 and sworn to before any officer
13 authorized to administer an oath, with
14 the same force and effect as if signed
15 and sworn to before the Court.

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1 STENOGRAPHIC REPORTER: Good
2 morning. This is Tami Takahashi. I'm a
3 Registered Professional Reporter and New
4 York State notary public. This
5 deposition is being held via
6 videoconference. The witness and I are
7 not in the same room. The witness will
8 be sworn in remotely, and the parties
9 stipulate that the testimony is being
10 given as if the witness was sworn in
11 person.

12 H E R S H E Y W E I N E R, called as a
13 witness, having been duly sworn by a
14 Notary Public, was examined and testified
15 as follows:

EXAMINATION

17 BY MR. RAKHUNOV:

18 Q. Good morning, or afternoon,
19 Mr. Weiner. Jump right into it.

20 Kitchen Winners New York, Inc. is
21 still an active corporation?

22 A. Yes.

23 Q. Does it do any business other than
24 participate in litigations that we've
25 discussed earlier?

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1 A. Little bit.

2 Q. What kind of business is it still
3 involved in?

4 A. Wheeling/dealing.

5 Q. I'm sorry?

6 A. Wheeling and dealing.

7 Q. Okay. And what kind of products
8 are wheeling and dealing in?

9 A. Whatever we can get our hands on to
10 make a sale.

11 Q. Are you still involved in selling
12 any personal protective equipment?

13 A. Not recently, no.

14 Q. Are you still doing any business
15 with Medcare?

16 A. No.

17 Q. When was the last time you were
18 doing any business with Medcare?

19 MR. SPERBER: Objection to the
20 form.

21 A. Don't remember.

22 BY MR. RAKHUNOV:

23 Q. Do you own any other businesses?
24 Do you, Hershey Weiner, other than Kitchen
25 Winners, of which I understand your wife is a

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1 shareholder of?

2 A. Do I own any other businesses?

3 Q. Yes.

4 A. Right now, no.

5 Q. Okay. Was there a business called,
6 like, Yes Trading or Yes We Trade, something
7 to that effect, that you were involved with?

8 A. Yes.

9 Q. What was the name of that company?

10 A. Yes -- Yes Trading.

11 Q. Okay. Is that company, Yes
12 Trading, has it ever engaged in any sales of
13 personal protective equipment?

14 A. Don't remember.

15 Q. Okay. Is that company active
16 today?

17 A. Yes.

18 Q. Okay. Has that company bought or
19 sold any Medcare brand gloves ever?

20 A. Don't remember.

21 Q. Okay. Would that be in the
22 corporate records of Yes Trading?

23 A. Don't know. I will have to check.

24 Q. Okay. Who are the shareholders of
25 Yes Trading?

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1 A. Only me.

2 Q. Okay. Your wife's not a
3 shareholder of that company?

4 A. Not that I recall.

5 Q. Okay. Do you know who Joel
6 Lefkowitz is, L-E-F-K-O-W-I-T-Z?

7 A. Joel Lefkowitz? I know a lot of
8 Joe Lefkowitz, so I don't know which one
9 you're talking about.

10 Q. Is there a Joel Lefkowitz who was
11 involved with buying or selling Medicare
12 gloves?

13 A. Buying and selling Medicare? Don't
14 recall.

15 Q. Does Joel Lefkowitz have any
16 brokerage or commercial relationship with
17 Kitchen Winners?

18 A. Trying to remember. Joel
19 Lefkowitz? Might have been. I have to
20 check.

21 Q. Do you obtain any gloves from
22 Mr. Lefkowitz that you sold to Rock Fintek?

23 A. No, I just bought it from Anna
24 Grinvald.

25 Q. So since this litigation started,

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1 have you discussed this case with Anna
2 Grinvald?

3 A. Sure.

4 Q. Okay. When is the last time you
5 spoke with Ms. Grinvald?

6 A. I speak to her, like, 10 days ago.

7 Q. What did you talk to her about 10
8 days ago?

9 A. Business stuff.

10 Q. Okay. I thought you just said you
11 don't have any ongoing business relationship
12 with Medicare?

13 A. Well, again, I can discuss
14 business. Do I have business ongoing, no.
15 Discussing is not --

16 Q. What kind --

17 A. One second. Discussing is not
18 called business.

19 Q. What kind of business --

20 (Crosstalk.)

21 Q. Please listen to my question,
22 Mr. Weiner. Please --

23 MR. SPERBER: Phil, actually let
24 him answer the question the way he wants
25 to answer the question.

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1 MR. RAKHUNOV: He's not answering
2 the question. We have limited time.

3 THE WITNESS: I don't have time for
4 this. Alex, I don't have time. I'm
5 overseas. I don't give my time for
6 somebody's going to comment --

7 MR. RAKHUNOV: Mr. Weiner --

8 THE WITNESS: You can ask questions
9 and I can answer. You said you're not
10 going to interrupt me and I shouldn't
11 interrupt you. But every question, the
12 last five questions, you interrupted me.

13 So if you want to ask questions and
14 cut her off, then don't ask a question
15 to begin with.

16 MR. RAKHUNOV: For the record --

17 THE WITNESS: I can get up and go
18 and you can talk with my lawyer. I
19 don't have a problem. I gave enough
20 time yesterday.

21 MR. RAKHUNOV: Mr. Weiner, you
22 brought this lawsuit initially. You're
23 now facing counterclaims. You're a
24 pretty important witness --

25 THE WITNESS: No problem.

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1 MR. RAKHUNOV: You're a pretty
2 important witness in this case. I ask
3 questions. Your job is to answer them,
4 not to go off on -- you know, telling me
5 what the difference -- I didn't ask you
6 what the difference was between
7 conducting business and discussing
8 business. So please listen to my
9 questions and we'll be done in the time
10 that we have allotted.

11 MR. SPERBER: To be clear, you did
12 ask him because you questioned the
13 veracity of his answer when he said he
14 was not doing business with Medicare. So
15 you raised the issue.

16 BY MR. RAKHUNOV:

17 **Q. So what business did you discuss**
18 **with Ms. Grinvald 10 days ago?**

19 A. Don't recall exactly.

20 **Q. Okay. How about generally?**

21 A. We talked about Israel and if we
22 can do some protective equipment for Israel
23 war.

24 **Q. Does it involve gloves?**

25 A. In general, protective equipment.

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1 We didn't go into details.

2 Q. Okay. Did you discuss your
3 deposition testimony with her at all?

4 A. No.

5 Q. Have you obtained any statements or
6 affidavits or declarations from Ms. Grinvald
7 relating to this case?

8 A. I would have to ask my counsel to
9 answer that.

10 Q. We haven't been provided any
11 specifically related to this case, so I'm
12 asking you if you know.

13 A. Ask my counsel, please.

14 Q. Have you obtained any promises from
15 Ms. Grinvald to provide any testimony at a
16 trial in this case?

17 A. I have to discuss that together
18 with my counsel. I don't -- I don't know --
19 if I don't know, I don't -- I don't know if
20 I'm at liberty to discuss that, if I have to
21 discuss that.

22 Q. You do have to discuss that. You
23 don't have to discuss anything you talked
24 about with your lawyer, but you certainly
25 have to discuss anything that you discussed

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1 with Ms. Grinvald or that she discussed with
2 your lawyer. Nothing between her and your
3 lawyer is privileged.

4 MR. SPERBER: You can answer his
5 question.

6 A. I did discuss with her that, if we
7 need her to get -- anything I need from her
8 regarding the case, she would be available to
9 give it to -- everything to my lawyer or be
10 available for the case.

11 BY MR. RAKHUNOV:

12 Q. Do you know if Ms. Grinvald has
13 provided your lawyer with any information
14 such as documents or descriptions of what
15 happened or anything to that effect?

16 MR. SPERBER: Objection to the
17 form.

18 A. I don't recall. And I would have
19 to go back and look at everything. I do
20 know, on numerous occasions, she gave
21 information for my lawyer.

22 BY MR. RAKHUNOV:

23 Q. Do you have any agreements with
24 Ms. Grinvald, whether in writing or oral,
25 that you would continue doing business with

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1 her in exchange for her providing cooperation
2 in this case?

3 A. No.

4 Q. Does Kitchen Winners owe Medcare or
5 Ms. Grinvald any money as of today for any
6 prior business dealings?

7 A. No.

8 Q. Okay. Does she owe you any or
9 Kitchen Winners any money?

10 A. I have to check my records.

11 Q. So you don't remember one way or
12 the other at this point?

13 A. I didn't say that. I said I don't
14 owe her, for sure, money.

15 Q. Okay. What about does Medcare
16 or -- does Medcare owe Kitchen Winners any
17 money?

18 A. I would have to check my records.

19 MR. RAKHUNOV: Okay. Mr. Weiner,
20 would it be easier for me to share a
21 screen or put a document in the chat box
22 to show you an exhibit? What do you
23 prefer?

24 THE WITNESS: Share screen with me
25 would be better.

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1 MR. RAKHUNOV: Okay. I'll still
2 put it in the chat box so others could
3 download it. But we're putting in
4 Exhibit 15. Let's see if we can share
5 the screen. Hold on.

6 (Defendant's Exhibit 15, Affidavit
7 of Anna Roxana Grinvald, marked for
8 identification as of this date.)

9 BY MR. RAKHUNOV:

10 Q. Do you see a document on the screen
11 that has a caption of Silver Wing Medical
12 versus Adorama, Inc. and Kitchen Winners
13 New York, Inc.? It's an affidavit of Anna
14 Grinvald. Do you see that?

15 A. Yes.

16 Q. Okay. Great. I'm going to scroll
17 down to -- this is a two-page document. It
18 was produced to us by your counsel.

19 Do you see Anna Grinvald's name
20 above a signature line on the bottom right?
21 Do you see that?

22 A. Yes.

23 Q. Okay. And do you see on the
24 left-hand side there's a space for a notary
25 public?

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1 A. Yes.

2 Q. Have you ever seen a notarized copy
3 of this document?

4 A. I don't recall.

5 Q. Okay. And -- okay. And do you
6 know why -- well, so is your understanding
7 and testimony that Anna Grinvald provided
8 this document and signed this document?

9 A. I don't -- I don't recall. I don't
10 know when this was. I don't recall what this
11 is. This is in 2021. I don't recall
12 exactly.

13 Q. Okay. Have you ever read this
14 document?

15 A. No.

16 Q. Okay.

17 A. Not that I recall.

18 Q. Okay. Do you see in paragraph 6,
19 Anna Grinvald writes, "In response to Kitchen
20 Winners" -- or let me -- withdrawn. Let me
21 ask it again.

22 Paragraph 6 -- well, do you know
23 who actually drafted this document, like who
24 typed it up?

25 A. I don't know.

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1 Q. Okay. So paragraph 6 of this
2 document says, "In response to Kitchen
3 Winners New York Inc.'s request that I
4 investigate the discrepancy apparent in the
5 difference in spelling of the ZhongHong
6 corporate name from one document to the next
7 I speculate that considering the numerous
8 factories that operate under the umbrella of
9 the corporate entity 'ZhongHong Pulin Medical
10 Products Co. Ltd.,' when translating the name
11 of a corporate entity into English, the
12 particular factory of ZhongHong Pulin might
13 not be specific as to the spelling of the
14 translated form."

15 I read that correctly?

16 A. Again, I told you yesterday I have
17 dyslexia. If that's what it says, that's
18 what it says.

19 Q. Do you have -- do you have any
20 recollection as to why Kitchen Winners
21 New York made a request for Ms. Grinvald to
22 investigate the discrepancy in the spelling
23 of the names?

24 A. Not offhand, not at the moment.

25 Q. So do you recall any investigations

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1 or being informed of any investigations by
2 any testing agency regarding reports --
3 testing reports of LevMed gloves sold by
4 Kitchen Winners?

5 A. Again, can you -- can you repeat
6 that question.

7 Q. Sure. Are you aware -- do you
8 recall being made aware of any investigations
9 concerning authenticity of testing reports
10 for LevMed gloves?

11 A. No.

12 MR. SPERBER: Objection to the
13 form.

14 A. Not aware of it.

15 BY MR. RAKHUNOV:

16 Q. Okay.

17 MR. RAKHUNOV: Exhibit 16.

18 (Defendant's Exhibit 16, Email
19 dated September 25, 2021, from Anna
20 Grinvald to Bradley Gilling, et al.,
21 marked for identification as of this
22 date.)

23 BY MR. RAKHUNOV:

24 Q. I'll do the same thing with the
25 screen share.

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1 A. Perfect, I can see you better.

2 Q. Great. So Exhibit 16 is an email
3 chain where you see at the top, on September
4 25, 2021, Ms. Grinvald forwards an email
5 chain to Bradley Gilling and copies
6 yosi@gtsgroup. Do you see that at the top?

7 A. No, I have to zoom in. I can't see
8 it.

9 Q. Sure.

10 A. Hello?

11 Q. Yeah. Can you see the document?

12 A. Yes.

13 Q. Okay. So do you see -- so that's a
14 forward from Anna Grinvald to Bradley
15 Gilling. And the email in the middle on page
16 1 is from her to Mendel Banon and to you and
17 to someone kipodsagi@gGmail.com.

18 Do you know who that is, kipodsagi?

19 A. No.

20 Q. Is there someone that -- do you
21 refer to Mendel Banon as "Sagi" from time to
22 time, S-A-G-I?

23 A. Never.

24 Q. Do you know that name -- do you
25 know that name at all?

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1 A. Sagi? I don't recall this name.

2 Q. Okay. If we had more time, I would
3 show you an email where you've used it, but
4 we can move on for now.

5 A. I don't recall. I don't say I
6 don't know. I don't recall.

7 Q. No, I understand.

8 Okay. So you -- can you see -- I
9 just can't tell what you see on your screen,
10 Mr. Weiner.

11 Do you see Ms. Grinvald writes to
12 you and to Mendel that she received the
13 report from a laboratory regarding certain
14 changes made to a Medcare original report.

15 Do you see that?

16 A. Yeah.

17 Q. Okay. Do you remember receiving
18 this email from Ms. Grinvald?

19 A. No, don't recall it.

20 Q. Do you see where Ms. Grinvald
21 writes, "Mean while, I had to replay to the
22 email that this is a fake report and they" --
23 it's misspelled -- "they can start
24 investigating who changed the report."

25 Do you see that?

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1 A. I see. I think it's something
2 about a UL report. It says in the next line.
3 I remember something, subject "UL" report
4 something.

5 Q. Okay. What do you recall about an
6 investigation, if anything, being conducted
7 into a changed or fake UL report?

8 A. I don't recall the details of it.
9 There was somebody that made a UL report. I
10 don't know it was somebody took a Medcare
11 report, a UL report and made it into a -- to
12 a -- to a different report. And she notified
13 us about it. I don't remember the details of
14 it.

15 Q. Okay. Well, that somebody, was
16 that -- was that you or Mr. Banon, to your
17 knowledge, who made that change?

18 A. Not that I recall.

19 Q. Okay. Did you and -- or Mr. Banon
20 circulate the fake UL report in connection
21 with selling LevMed or any other gloves?

22 A. I never gave a fake UL report.

23 Q. Have you ever seen any results from
24 an investigation conducted by UL into this
25 report?

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1 A. Not that I know.

2 Q. Do you recall -- do you know that
3 we sent out a subpoena to UL in this
4 litigation; do you know that? You don't have
5 to tell me anything you learned from your
6 counsel. But, just generally, are you aware
7 that UL was subpoenaed in this case?

8 A. I don't -- I don't know.

9 Q. Okay.

10 MR. RAKHUNOV: Exhibit 17. I'm
11 putting on Exhibit 17. It's a document
12 we received via a subpoena from UL, also
13 known as Universal Laboratories. It's
14 Bates-labeled UL1 through 9.

15 (Defendant's Exhibit 17, UL Test
16 Report, marked for identification as of
17 this date.)

18 BY MR. RAKHUNOV:

19 Q. Have you -- do you recognize at
20 least the first page of the document? And
21 I'm happy to scroll through it.

22 A. No.

23 Q. You've never seen this before?

24 A. Not that I recall.

25 Q. Okay. Do you see this says

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1 "Reported by John Boyles"? I'm just
2 highlighting this so you can see it on the
3 document. Do you see that, sir?

4 A. I see the name John Boyles.

5 Q. Okay. Do you see the date
6 "Occurred Between" and it starts April 21,
7 2021 and it doesn't have an end date here.
8 But do you see that date?

9 A. I can't see it. I see numbers, but
10 I don't see a date.

11 Q. Do you see 2021/04/21?

12 A. I see -- yeah, that's what I see
13 now, yeah.

14 Q. And you were doing business with
15 Rock Fintek during this time around April of
16 2021, correct?

17 A. Yes.

18 Q. Okay. And I'm not going to read
19 this entire document, as there's a little bit
20 of dense text here. But let me see if I can
21 highlight it to make this easier.

22 Towards the bottom of the first
23 page, this report states, "John Boyles
24 provided the source of the fake report: Via
25 an email from Mendel Banon to Hershey Weiner.

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1 MS did not know whether this incident related
2 to any shipment in U.S. Customs. The roles
3 of the 2 men are unknown."

4 Do you see that?

5 A. Again, I don't see it.

6 Q. Okay. Do you remember anything
7 about Mr. Banon emailing you a fake UL
8 report?

9 A. Not that I recall. And I don't
10 recall this whole thing.

11 Q. Okay. And in the beginning of the
12 report, do you see -- I'll just read this
13 into the record. I know you've asked me to
14 read things to make it easier for you.

15 "On April 21, 2021, an inquirer
16 sent the UL test report to MS for checking
17 authenticity, based on the inquirer
18 information, the fake UL test reports came
19 from Kitchen Winners, Hershey Weiner. They
20 have been importing millions of these gloves
21 into the U.S. and declaring them as medical
22 devices and cheating the U.S. government by
23 not paying duties by using this fraudulent UL
24 report."

25 Do you see that, at least

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1 allegation, written in this report?

2 A. I hear what you're reading. But I
3 never gave any UL report to the clear
4 customs, so I don't know where this is coming
5 from.

6 Q. Okay. Have you ever been under --
7 I'm sorry. Are you finished? I didn't want
8 to interrupt you.

9 A. Obviously, you did interrupt me so
10 I don't --

11 Q. Okay.

12 A. It's okay.

13 Q. Have you been involved with any
14 customs investigations or any investigations
15 in connection with any alleged customs
16 violations by using --

17 A. No.

18 Q. -- any -- okay.

19 All right. We can just move on.

20 A. You didn't need to give a UL report
21 for customs.

22 Q. Okay. What kind of information did
23 you need to give to customs for -- for glove
24 shipment to -- let's just focus specifically
25 on the Medcare gloves sold to Rock Fintek.

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1 A. Don't recall. You have to ask my
2 customs agent.

3 Q. Okay. But you know that the UL
4 report was not one of those documents?

5 A. For sure not, because I never gave
6 a UL report.

7 Q. Okay. Well, let's -- let's take a
8 look at something else. I know I asked you a
9 couple of questions yesterday about a data
10 sheet for Medcare gloves. And that was
11 pasted into an email. And you said there was
12 more -- more to it. And we, obviously, ran
13 out of time. So let me put Exhibit -- what
14 are we up to -- sorry -- 17 now?

15 STENOGRAPHIC REPORTER: We're up to
16 18.

17 MR. RAKHUNOV: Okay. This is 18
18 now.

19 (Defendant's Exhibit 18, Email
20 dated Jun 1, 2021, from Joseph
21 Mendlowits to Joseph Weiner, marked for
22 identification as of this date.)

23 BY MR. RAKHUNOV:

24 Q. Okay. So Exhibit 18 is 10-page
25 document produced by your counsel in this

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1 case. The first page is Bates numbered 647.

2 So do you see the first page is an
3 email from Joseph Mendlowits at Adorama to
4 you and copying himself, and the subject is
5 "1.725 rock fintek."

6 Do you see that?

7 A. Yeah.

8 Q. Okay. So I'm going to scroll -- I
9 don't have any questions about this page.
10 Then there's another email that -- apparently
11 in this chain that has a reference to a wire
12 coming in from Rock Fintek. And as we
13 understand, these were some of the
14 attachments to this email.

15 So I'm going to first scroll slowly
16 so you can see all the pages. If at any time
17 you want to just download the document so you
18 can scroll through it, you can do that.

19 So are you able to see every page
20 of the document as I'm scrolling through it?

21 A. I don't see the words but I see
22 "SGS."

23 Q. Well, you see -- we can do this
24 more slowly. I just want you to generally
25 see what every page looks like.

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1 Do you recognize this document,
2 this compilation of documents, that starts
3 with the first page having some specs on
4 Medcare gloves, data sheet and then a
5 photograph of a box?

6 A. I remember something like this with
7 the spec sheets.

8 Q. Okay. Is this the document that
9 you provided to either clients or potential
10 clients to describe the Medcare gloves that
11 you would be selling to them?

12 A. I don't know. I would have to
13 check one by one and match it up with what I
14 have on file. I -- maybe you took this and
15 somebody took this and changed out. I don't
16 know. I have to check. I know there was a
17 whole folder -- I know there was a file that
18 I had, and this is what I provided.

19 Q. So I can represent to you that this
20 is -- this is what you provided to us. I did
21 not change anything.

22 A. I don't think -- I don't think that
23 I provided anything for you. Again, you may
24 be my discovery, but I'm talking to the
25 customer.

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1 Q. Okay. So is -- did you have in
2 your course of business a packet of -- you
3 know, a spec packet that you provided to
4 clients when they were asked -- when they
5 would ask you about Medcare gloves?

6 A. That was Mendel's job.

7 Q. Okay. So Mendel would do it but
8 it's fair to say that sometimes the email
9 would go from you and not from Mendel?

10 A. I'm not so sure.

11 Q. Okay. So -- and I think you
12 answered a question that I was about to ask
13 you.

14 So Mendel was the one who compiled
15 the spec sheet and the data for Medcare
16 gloves?

17 A. I'm not so good in reading English,
18 and that's where he came in, to part of
19 helping me out a little bit on the brokerage
20 side, that he should provide those and put it
21 together and --

22 Q. Did you -- I'm sorry. Go ahead.

23 A. And give it to the customers. It
24 was -- but I don't know on Medcare. It was a
25 package that -- Medcare gave to -- Medcare

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1 prepared it for us. And I would have to
2 match that up.

3 So I can't go and randomly scroll
4 down and ask you -- and then you're going to
5 tell me and ask me questions that this is not
6 right package. I don't know.

7 Q. Well, let me ask you to -- I
8 understand your disclaimer. But let me just
9 ask you to assume that this is the right
10 package. And assuming this is the right
11 package that -- do you see this box has
12 "Nitra Force Russ Examination Gloves NBR
13 Nitrile" listed on it? Do you agree that
14 that's what this box has on it, correct?

15 A. I don't do assumptions.

16 Q. Do you agree that this data spec
17 sheet describes an examination NBR Nitrile
18 glove?

19 A. Correct.

20 Q. Okay. And the data sheet on the
21 left-hand side has certain product
22 specifications and physical properties
23 described, correct?

24 A. I can't see it. It's very -- it's
25 very small.

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1 Q. So can you -- you know, can I ask
2 you -- I'm going to stop screen sharing. Can
3 I ask you to download it, please, because it
4 worked pretty well yesterday and it -- the
5 screen share can be awkward because then --

6 A. That's one of the problems when I
7 screen like this, I don't see you and I don't
8 know --

9 Q. We did fine yesterday. I think we
10 did okay.

11 A. Okay. So what are you -- what do
12 you -- I'm zoomed in, yeah.

13 Q. Okay. So do you see on the
14 left-hand side, there are physical properties
15 listed for the gloves, including tensile
16 strength, elongation at break percentage; do
17 you see that?

18 A. I see that, yeah.

19 Q. Okay. And this type -- this is the
20 type of information that customers wanted to
21 know about a glove before buying it, correct?

22 A. No.

23 Q. No? They didn't want to know
24 physical properties of a medical examination
25 glove?

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1 A. Every customer wanted something
2 else. I don't know. This was a package that
3 they gave me. And this is what I gave my
4 customer. I don't -- you're asking me
5 what -- you're asking me what they wanted to
6 know. I don't know. Everybody looked at
7 something else.

8 Q. Fair enough. But it's a package
9 that you would give to your customers?

10 A. Correct.

11 Q. Okay. And can you please turn to
12 the last page, the very last page of this
13 document. And it has some photographs of the
14 top of the box and it has a photograph of a
15 brown carton. Do you see that?

16 A. Correct.

17 Q. And the brown carton just says
18 "Medcare Protection" on it, correct?

19 A. Yes.

20 Q. Do you see that? That doesn't have
21 the word "examination" on the brown carton,
22 at least not in this photograph, correct?

23 A. I don't know. You have to see --
24 this is one side of the box. You have to
25 see.